

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:04CV46
(1:01CR45 & 3:01CR11-3)

PHILIP B. GREER,)
)
Petitioner,)
)
Vs.) ORDER
)
UNITED STATES OF AMERICA,)
)
Respondent.)

THIS MATTER is before the Court on the Petitioner's motion to vacate, set aside, or correct judgment pursuant to 28 U.S.C. § 2255.

Contained within Petitioner's allegation of ineffective assistance of counsel is the claim that his attorney did not object to the Court's failure to "inquire of and obtain [his] acknowledgment that [he] had received, read and reviewed with counsel the [presentence report], [or] any addendum thereto[.]" **Statement of Facts and Memorandum in Support, attached to Petition, at 4-5.** In fact, a review of the sentencing transcript shows the Court failed to ask the Petitioner whether or not he had reviewed the report and understood its contents. Therefore, the Court will require that counsel provide to the Court an affidavit on the issue as to whether or not he reviewed the contents of the presentence report with the Petitioner and whether, in his opinion, the Petitioner understood the contents thereof.

IT IS, THEREFORE, ORDERED that David Belser file an affidavit with the Court as provided herein within 20 days from entry of this Order. The Clerk of Court shall provide Mr. Belser with a copy of this Order.

Signed: July 28, 2005



Lacy H. Thornburg
United States District Judge

